

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESAR PADILLA, Individually And On Behalf
Of All Other Persons Similarly Situated,

Case No.: 10-CV-4647
(E-FILE)

Plaintiff,

-against-

REGENCY RESTAURANT L.L.C. d/b/a
SERAFINA AT THE TIME HOTEL &
SERAFINA BROADWAY LTD.
d/b/a SERAFINA BROADWAY,

**ANSWER
AND COUNTERCLAIM**

Defendants.

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PLEASE TAKE NOTICE that the Defendants, Regency Restaurant L.L.C. d/b/a Serafina at the Time Hotel and Serafina Broadway Ltd. d/b/a Serafina Broadway, as and for their Answer to the Complaint allege as follows:

1. Deny each and every allegation contained in Paragraph "1" of the Complaint.
2. Deny each and every allegation contained in Paragraph "2" of the Complaint.
3. Lack knowledge and information sufficient to form a belief as to where Plaintiff resided at all relevant times as alleged in Paragraph "6" of the Complaint.
4. Deny each and every allegation contained in Paragraph "10" of the Complaint.
5. Deny each and every allegation contained in Paragraph "12" of the Complaint.
6. Deny each and every allegation contained in Paragraph "13" of the Complaint.
7. Deny each and every allegation contained in Paragraph "14" of the Complaint.
8. Deny so much of Paragraph "18" of the Complaint as alleges that the plaintiff was transferred.
9. Deny each and every allegation contained in Paragraph "21" of the Complaint.
10. Deny each and every allegation contained in Paragraph "23" of the Complaint.
11. Deny each and every allegation contained in Paragraph "24" of the Complaint.

12. Deny each and every allegation contained in Paragraph "26" of the Complaint.
13. Deny each and every allegation contained in Paragraph "29" of the Complaint.
14. Deny each and every allegation contained in Paragraph "30" of the Complaint.
15. Deny each and every allegation contained in Paragraph "31" of the Complaint.
16. Deny each and every allegation contained in Paragraph "32" of the Complaint.
17. Deny each and every allegation contained in Paragraph "33" of the Complaint.
18. Deny each and every allegation contained in Paragraph "36" of the Complaint.
19. Deny each and every allegation contained in Paragraph "37" of the Complaint.
20. Deny each and every allegation contained in Paragraph "38" of the Complaint.
21. Deny each and every allegation contained in Paragraph "39" of the Complaint.
22. Deny the allegations contained in Paragraphs "25" and "34" as such denials are set

forth hereinabove with the same force and effect as if set forth hereat in length.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

23. The Plaintiff provided Defendant Regency Restaurant LLC with false and misleading information and has "unclean hands" which bar any recovery.

Dated: New York, New York
July 29, 2010

Respectfully submitted,

EATON & VAN WINKLE LLP

By

Robert N. Swetnick (RNS6443)

Attorneys for Defendants

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